IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7032 of 1999

Dated: 04-04-2007

Between:

1. Smt. B. Sallamma, w/o late Neela Kotappa and 4 others.

... Petitioners

and

1. The Mandal Revenue Officer,
   Dharmavaram Mandal,
   Anantapur District and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the order passed by third respondent in Case No.VI/1517/92, dated 20-04-1996,

as arbitrary and illegal and consequently to set aside the same holding that petitioners are entitled to hold, possess and enjoy the lands admeasuring Ac.13-90 cents in Nalakota village, Dharmavaram Mandal, Anantapur District.

2. Facts, in brief, are: The land admeasuring Acs.13-92 in Sy.No.82 of Nalakota village was given to the father-in-law of first petitioner namely, Narappa under Section 4 of the Andhra Inams (Abolition Conversion into Ryotwari) Act, 1956 (for short, 'the Act') and thereafter his name was entered in the revenue records by mutation proceedings dated 04-07-1964. After the death of Narappa, the patta was transferred to his son Neela Kotappa, who is the husband of first petitioner and father of petitioner Nos.2 to 5, vide proceedings dated 10-12-1990.

The respondents filed a case in R.P.V/s14-A of the Act before third respondent – Commissioner and third respondent issued Show cause Notice in C.S.S. and L.R.S. Ref.No.VI/1517/92, dated 08-06-1993 as to why patta issued in the name of Narappa should not be cancelled. After receiving the notice, the husband of first petitioner filed vakalat and during the pendency of the said case as first petitioner's husband died, petitioner Nos.2 to 5 were impleaded as his legal representatives. However, third respondent vide order dated 20-04-1996, set aside the patta granted in favour of petitioners. Assailing the said order, the present writ petition has been filed.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Having heard learned counsel on either side, this Court is of the view that the very action initiated in the year 1996 by the Commissioner, Survey, Settlements and Land Records, who is arrayed as third respondent, in canceling the patta that was granted in the year 1964,

is definitely unwarranted. In fact, this Court had an occasion to deal with an issue of this nature in **KODANDA RAO v. GOVERNMENT OF**

ANDHRA PRADESH[1], wherein this Court has taken the view that the

suo motu powers conferred on the revisional authority can be exercised within a reasonable time, but not at their sweet, will and pleasure.

5. In the light of the said judgment and also taking the fact that the allegations made by petitioners are not controverted, this Court has no hesitation to come to the conclusion that the order, dated 20-04-1996 passed by third respondent is without jurisdiction.

6. Accordingly, the writ petition is allowed and the order, dated 20-04-1996 passed in Case No.VI/1517/92 by third respondent is set aside. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.04-04-2007
GLV

[1] 1981 ALT (2) 280